

## IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

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SUMMIT CARBON SOLUTIONS, LLC,

Plaintiff,

v.

IOWA UTILITIES BOARD, A DIVISION  
OF THE DEPARTMENT OF COMMERCE,  
STATE OF IOWA,

Respondent,

and

SIERRA CLUB IOWA CHAPTER,

Intervenor,

and

OFFICE OF CONSUMER ADVOCATE,

Intervenor.

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Case No. 05771 CVCV062900

**ORDER REGARDING  
PRETRIAL MOTIONS**

Following a hearing on July 7, 2022, the Court enters this Order.

*Briefing Schedule*

In light of the continuation of the trial that began on July 7, 2022, the deadline for post-trial briefing is extended to August 2, 2022.

*Subpoena*

The subpoena for witness Geri Huser was properly served for the July 7, 2022, trial date. In light of the continuance requested by counsel on Ms. Huser's behalf, the previously served subpoena shall be deemed binding for the date to which the trial is continued.

*Incorporation of Summary Judgment Record*

Summit Carbon Solutions, LLC seeks to designate as evidence in the trial record Exhibit 1 attached to Summit's July 6, 2022, Brief. Sierra Club seeks to designate as evidence in the trial record, the Iowa Utilities Board's Answers to Sierra Club's Interrogatories and the Board's December 16, 2021, Order. Those documents were included in the Appendix in Support of Sierra Club's Motion for Summary Judgment filed March 21, 2022.

No party objected to incorporating any of the foregoing documents into the trial record. Accordingly, the Court receives the same into evidence.

IT IS SO ORDERED.



State of Iowa Courts

**Case Number**  
CVCV062900

**Case Title**  
SUMMIT CARBON SOLUTIONS LLC V IOWA UTILITIES  
BOARD  
OTHER ORDER

**Type:**

So Ordered

A handwritten signature in blue ink that reads "David Nelmark". The signature is written in a cursive style with a large, sweeping initial "D".

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David Nelmark, District Judge  
Fifth Judicial District of Iowa

Electronically signed on 2022-07-07 15:23:46